

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

TRANSCENDENT LIMITED PARTNERSHIP

PLAINTIFF

VS.

CIVIL ACTION NO.: 4:05CV231-P-B

**GREENBELT DEVELOPMENT PARTNERS,
INC., GREENBELT DEVELOPMENT PARTNERS
1, LLC, JOHN DOE and other UNKNOWN
DEFENDANTS acting in concert with GREENBELT
DEVELOPMENT PARTNERS, INC., WILBUR F.
HAWKINS, SAMUEL L. SOCKWELL, CONNIE
GAIL SOCKWELL, W.A. SESLEY, ANNIE R.
SESLEY, CECIL ERIC LINCOLN, ONZIE O.
HORNE, JUR. and RALPH WAITE,
d/b/a INNER CARE RESIDENTIAL**

DEFENDANTS

AND

**JWSA ASSOCIATED ARCHITECTS, LLC,
ACOUSTICS AND SPECIALTIES, INC.
SECURITY FIRE PROTECTION COMPANY, INC.
PYRAMID ELECTRIC, INC., WHITE
PLUMBING & MECHANICAL CONTRACTORS, INC.
ENVIRONMENTAL EVALUATION & CONTROL**

INTERVENORS

ORDER

BEFORE THE COURT are Plaintiff's Motion for issuance of an order of contempt [doc. 114]; Intervenor's Motion to Compel [doc. 115]; Defendants' Motion [doc. 131] for additional time to respond to plaintiff's discovery requests; and Plaintiff's Response to Defendants' Motion for additional time [doc. 132].

The docket [doc. 119] indicates the district judge held a hearing on Plaintiff's Motion for

an order of contempt and Intervenor's Motion to Compel on June 1, 2006. These motions have now been referred to the undersigned magistrate judge [dckt. entry 125].

Counsel for Plaintiff has advised the Court that subsequent to the hearing, Defendants produced some discovery responsive to Plaintiff's discovery requests; and depositions were conducted. Because Defendants failed to produce all of the requested discovery, however, Plaintiff served a second set of discovery requests.

Now, Defendants seek additional time to respond to Plaintiff's second set of discovery requests. The Court notes Defendants have not responded to the Intervenor's Motion to Compel and have not sought additional time to respond to Intervenor's discovery requests.

Having duly considered the foregoing, the Court rules as follows:

1. Plaintiff's motion for an order of contempt is hereby **DENIED**;
2. Intervenor's motion to compel is hereby **GRANTED**; and Defendants shall fully respond to Intervenor's interrogatories and requests for production, all objections having been waived, on or before August 29, 2006.
3. Defendants' motion for additional time to respond to Plaintiff's second set of discovery requests is granted; and Defendants shall respond to said discovery requests on or before August 25, 2006.
4. *Defendants' failure to fully comply with this order shall subject Defendants to the full panoply of Rule 37 sanctions, including entry of a default judgment.*

SO ORDERED this 23rd day of August, 2006.

/s/ Eugene M. Bogen
U. S. MAGISTRATE JUDGE